

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for House Bill No. 1976, Page 1, Section A, Line 3, by
2 inserting after all of said section and line the following:

3
4 "304.153. 1. As used in this section, the following terms shall mean:

5 (1) "Law enforcement officer", any public servant, other than a patrol officer, who is
6 defined as a law enforcement officer under section 556.061;

7 (2) "Motor club", any person, partnership, corporation, fiduciary, association or other entity
8 that, for consideration, promises services, including emergency roadside assistance and towing
9 services, to persons who are members of the motor club;

10 (3) "Patrol officer", a Missouri state highway patrol officer;

11 (4) "Tow list", a list of approved towing companies compiled, maintained, and utilized by
12 the Missouri state highway patrol or its designee;

13 (5) "Tow management company", any sole proprietorship, partnership, corporation,
14 fiduciary, association, or other business entity that manages towing logistics for government
15 agencies or motor clubs;

16 (6) "Tow truck", a rollback or car carrier, wrecker, or tow truck as defined under section
17 301.010;

18 (7) "Towing", moving or removing, or the preparation therefor, of a vehicle by another
19 vehicle for which a service charge is made, either directly or indirectly, including any dues or other
20 charges of clubs or associations which provide towing services;

21 (8) "Towing company", any person, partnership, corporation, fiduciary, association, or other
22 entity that operates a wrecker or towing service as defined under section 301.010.

23 2. In authorizing a towing company to perform services, any patrol officer within the
24 officer's jurisdiction may utilize the services of a tow management company or tow list, provided:

25 (1) The Missouri state highway patrol is under no obligation to include or retain the services
26 of any towing company in any contract or agreement with a tow management company or any tow
27 list established pursuant to this section. A towing company is subject to removal from a tow list at
28 any time;

29 (2) Notwithstanding any other provision of law or any regulation established pursuant to
30 this section, an owner or operator's request for a specific towing company shall be honored by the
31 Missouri state highway patrol unless:

32 (a) The requested towing company cannot or does not respond in a reasonable time, as
33 determined by a law enforcement officer; or

34 (b) The vehicle to be towed poses an immediate traffic hazard, as determined by a law enforcement
35 officer.

36 3. A patrol officer shall not use a towing company located outside of Missouri under this

Standing Action Taken _____ Date _____

Select Action Taken _____ Date _____

1 section except under the following circumstances:

2 (1) A state or federal emergency has been declared; or

3 (2) The driver or owner of the vehicle or a motor club, of which the driver or owner is a
4 member requests a specific out-of-state towing company.

5 4. Any towing company or tow truck arriving at the scene of an accident that has not been
6 called by a patrol officer, a law enforcement officer, or the driver or owner of the vehicle or his or
7 her authorized agent or a motor club, of which the driver or owner is a member shall be prohibited
8 from towing the vehicle from the scene of the accident, unless the towing company or tow truck
9 operator is rendering emergency aid in the interest of public safety, or is operating during a declared
10 state of emergency under section 44.100.

11 5. A tow truck operator that stops and tows a vehicle from the scene of an accident in
12 violation of subsection 4 of this section shall be guilty of a class D misdemeanor upon conviction or
13 pleading guilty for the first violation, and such tow truck shall be subject to impounding. The
14 penalty for a second violation shall be a class A misdemeanor, and the penalty for any third or
15 subsequent violation shall be a class D felony. A violation of this section shall not preclude the tow
16 truck operator from being charged with tampering under chapter 569.

17 6. The provisions of this section shall also apply to motor vehicles towed under section
18 304.155 or 304.157.

19 304.154. 1. [Beginning January 1, 2005,] A towing company operating a tow truck
20 pursuant to the authority granted in section 304.153, 304.155, or 304.157 shall:

21 (1) Have and occupy a verifiable business address and display such address in a location
22 visible from the street or road;

23 (2) Have a fenced, secure, and lighted storage lot or an enclosed, secure building for the
24 storage of motor vehicles;

25 (3) Be open or available for a minimum of eight hours per day between the hours of 7:00
26 a.m. and 7:00 p.m. Monday through Friday for a customer or his or her authorized agent to view or
27 retrieve a vehicle with no additional fees charged to view or retrieve a vehicle during these regular
28 business hours;

29 [(3)] (4) Be available twenty-four hours a day, seven days a week. Availability shall mean
30 that an employee of the towing company or an answering service answered by a person is able to
31 respond to a tow request;

32 [(4)] (5) Have and maintain an operational telephone with the telephone number published
33 or available through directory assistance;

34 (6) Maintain a valid insurance policy issued by an insurer authorized to do business in this
35 state, or a bond or other acceptable surety providing coverage for the death of, or injury to, persons
36 and damage to property for each accident or occurrence in the amount of at least five hundred
37 thousand dollars per incident;

38 [(5)] (7) Provide workers' compensation insurance for all employees of the towing company
39 if required by chapter 287; [and]

40 [(6)] (8) Maintain current motor vehicle registrations on all tow trucks currently operated
41 within the towing company fleet; and

42 (9) Post at its place of business and make available upon request to consumers a rate sheet
43 listing all current rates applicable to towing services provided under this chapter.

44 2. The initial tow performed under section 304.153, 304.155, or 304.157 shall remain in the
45 state of Missouri unless authorized by the vehicle owner or his or her agent.

46 3. Counties may adopt ordinances with respect to towing company standards in addition to
47 the minimum standards contained in this section. A towing company located in a county of the
48 second, third, [and] or fourth classification is exempt from the provisions of this section.

1 4. Notwithstanding any provision of the law to the contrary, unless notified by a law
2 enforcement agency that a motor vehicle is being preserved as evidence, a storage lot facility or
3 towing company shall allow insurance adjusters access to and allow inspection of a motor vehicle,
4 without charge, at any time during the towing company's or storage lot facility's normal working
5 hours.

6 5. When a motor vehicle has been transferred to a towing company storage lot or a vehicle
7 storage facility, such vehicle shall not be transferred from the towing company storage lot or vehicle
8 storage facility without providing the owner of such vehicle twenty-four hours advance notice of the
9 planned transfer. The notification shall include the address of where the vehicle is being transferred
10 to and all costs associated with moving the vehicle to a different storage lot or vehicle storage
11 facility."; and

12
13 Further amend said bill by amending the title, enacting clause, and intersectional references
14 accordingly.